

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

EASTERN PROFIT CORPORATION)	
LIMITED,)	
)	
Plaintiff/Counterclaim Defendant,)	
)	Case No. 18-cv-2185
v.)	
)	
STRATEGIC VISION US, LLC,)	
)	
Defendant/Counterclaim Plaintiff.)	
)	

**DEFENDANT STRATEGIC VISION'S
CROSS-MOTION FOR SUMMARY JUDGMENT AGAINST
PLAINTIFF EASTERN PROFIT ON ITS COUNT III**

Pursuant to Federal Rule of Civil Procedure 56, Defendant Strategic Vision US, LLC (“Strategic Vision”) respectfully moves this Court for an Order granting summary judgment in its favor and against Plaintiff Eastern Profit Corporation (“Eastern”) on the following claims:

- Count III (Declaratory Judgment) of Eastern’s Second Amended Complaint (Dkt. No. 93, ¶¶ 46-107).

The instant motion also argues that restitution of a deposit paid on behalf of Eastern is not an available remedy, as Strategic Vision also argued in its Motion for Summary Judgment of March 16, 2020 (Dkt. Nos. 264-268). In that prior motion, pursuant to the schedule ordered by this Court (Dkt. No. 259), Defendant Strategic Vision moved for summary judgment on Counts I (Breach of Contract); II (Fraud); and Count IV (Unjust Enrichment) of Eastern’s Second Amended Complaint (Dkt. No. 93).

The grounds for this motion are set forth in Strategic’s Consolidated Memorandum of Law in Opposition to Eastern Profit’s Motion for Summary Judgment and In Support of its Motion for Summary Judgment, contemporaneously filed herewith.

Dated April 6, 2020

Respectfully submitted,

GRAVES GARRETT LLC

s/ *Edward D. Greim*

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CERTIFICATE OF SERVICE

This certifies that, on April 6, 2020, the foregoing was served on all counsel of record via the Court's Electronic Case Filing System.

s/ *Edward D. Greim*

Attorneys for Defendant/Counterclaim Plaintiff